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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

19 UNITED STATES OF AMERICA,

Case No. CR 12-00723-EJD

20 Plaintiff,

STIPULATION AND [PROPOSED] ORDER  
RESCHEDULING SENTENCING HEARING

21 vs.  
22 JOSE FARIAS BARAJAS, and  
23 VICTOR MANUEL RODRIGUEZ,

24 Defendants.

25 It is hereby stipulated and agreed to between plaintiff United States of America, through  
26 its counsel of record, Daniel R. Kaleba and Stephen J. Meyer, Assistant United States Attorneys,  
27 and defendant Victor Manuel Rodriguez, through his counsel of record, Mark D. Flanagan and  
28 Michael A. Mugmon, that the sentencing hearing scheduled for October 28, 2014 at 9:00 a.m. be  
rescheduled to January 13, 2015 at 9:00 a.m., in order to give the parties additional time to  
prepare for the hearing. Specifically, counsel for defendant Victor Manuel Rodriguez require  
additional time to contact family and friends of defendant who reside around the country and  
internationally.

1       The parties further stipulate that the parties' sentencing memoranda shall be filed no later  
2 than December 19, 2014, and responses thereto, if any, shall be filed no later than January 9,  
3 2015.

4       The parties certify that they have conferred with each other and with the Probation  
5 Officer regarding the proposed changes, and that both parties and the Probation Officer will be  
6 available on the changed date. The Probation Officer advises the parties that the final pre-  
7 sentence report will be distributed to the parties on or before December 1, 2014. The parties  
8 further certify that defendant's counsel has conferred with the Courtroom Deputy Clerk and that  
9 the changed date is available on the Court's calendar.

10      SO STIPULATED.

11     Dated: September 19, 2014

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/s/ *Mark D. Flanagan*  
MARK D. FLANAGAN  
MICHAEL A. MUGMON

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14     Dated: September 19, 2014

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*Attorneys for Defendant*  
*Victor Manuel Rodriguez*

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17     Dated: September 19, 2014

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/s/ *Daniel R. Kaleba*  
DANIEL R. KALEBA  
STEPHEN J. MEYER

Assistant United States Attorneys

19                   **[PROPOSED] ORDER**

20       Pursuant to the stipulation of the parties, and for good cause having been shown, IT IS  
21 HEREBY ORDERED THAT the sentencing hearing in the above-captioned case is continued to  
22 January 13, 2015 at 9:00 a.m. IT IS FURTHER ORDERED THAT the Probation Officer shall  
23 distribute the final pre-sentence report to the parties on or before December 1, 2014; the parties'  
24 sentencing memoranda shall be filed no later than December 19, 2014; and responses thereto, if  
25 any, shall be filed no later than January 9, 2015.

26     Date: September 22, 2014

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*E. J. Davila*

Hon. Edward J. Davila  
United States District Court Judge

## ATTESTATION OF E-FILED SIGNATURE

I, Mark D. Flanagan, am the ECF User whose ID and password are being used to file this document. I hereby attest that Daniel R. Kaleba has concurred in this filing.

Dated: September 19, 2014

/s/ Mark D. Flanagan  
Mark D. Flanagan